

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

RICHARD TYLER HUNSINGER,
Defendant.

CRIMINAL ACTION NO.:
1:20-CR-00466-AT-AJB

**DEFENDANT’S REPLY TO GOVERNMENT’S RESPONSE
TO MOTION TO SUPPRESS PHYSICAL EVIDENCE**

COMES NOW, Counsel for Defendant RICHARD HUNSINGER and hereby files this Reply to Government’s Response to Hunsinger’s Motion to Suppress Physical Evidence obtained as a result of multiple illegal seizures. In support, Defendant replies as follows:

Medical Records

The Government dances around the issue. The Government acknowledges,

Agents subsequently contacted nearby hospitals *to identify people* who were treated for lacerations in the hours after the damage to the DHS Building. *Thereafter*, Grady Hospital, in response to a federal grand jury subpoena, provided records, which included video surveillance footage.

Doc. 53, 2-3 (Emphasis supplied). The Government declines to inform Mr. Hunsinger or the Court what information “nearby hospitals” provided the

Government to cause AUSA Buchanan to issue a subpoena to Grady Hospital *only*. The Government acknowledges that agents solicited patient information from hospitals and “thereafter” sought a subpoena. Mr. Hunsinger is entitled to this information. Mr. Hunsinger should be given this information to be able to present it to the Court as necessary to support his motion to suppress.

No communications between the agents and the U.S. Attorney pertaining to this have been provided to the defense. Agents reported that they gathered the records promptly as indicated in the attached report (See Exhibit A, 2 (“Agents subsequently contacted Grady Hospital to determine if anyone was recently treated for injuries consistent with lacerations obtained from broken glass. Grady Hospital provided several records for individuals ...”)). The report is a chronological account of events indicating medical records were reviewed on or before July 26. There is no mention of the records being secured via a Grand Jury (or any other) subpoena.

Seizure at Refuge Coffee

Mr. Hunsinger has presented this Court with evidence that a federal agent illegally seized his possession, a coffee cup placed next to his laptop computer. Attached as Exhibit B is the report in question. The agent does not document that

Mr. Hunsinger left the cup with his laptop and returned thereafter. The Government has declined to provide Mr. Hunsinger with any discovery pertaining to how this illegally seized cup was used. Rather, the Government asserts that they later sought a swab legally. However, this does not, in and of itself, cure the earlier illegal seizure. There is evidence of an illegal seizure and the Government has not answered how it was used. It is up to this Court to determine whether the illegally seized cup produced additional evidence potentially subject to suppression. The Government has declined to provide this information in discovery. The only means of finding out is to hold a hearing and permit the parties to examine the agents involved.

WHEREFORE, the Defendant prays that the Court schedule a hearing on these matters and that the Court suppress all evidence obtained in violation of the Defendant's rights.

Dated: This 1st day of October, 2021.

Respectfully Submitted,

/s/ John Lovell
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was formatted in Times New Roman 14 pt., in accordance with Local Rule 5.1C, and I have this day electronically filed the document with the Clerk of the Court using the CM/ECF system which will automatically send e-mail notification of such filing to the attorney(s) of record in the case, including opposing counsel.

Dated: This 1st day of October, 2021.

s/John Lovell

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